

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 05-11067-PBS

VOLKSWAGEN AG,)
VOLKSWAGEN OF AMERICA, INC.)
and BUGATTI INTERNATIONAL, S.A.,)
)
Plaintiffs,)
)
v.)
)
THE BUGATTI, INC.,)
)
Defendant.)
)

**PLAINTIFFS' ASSENTED-TO MOTION TO EXTEND TIME WITHIN WHICH TO
RESPOND TO DEFENDANT'S AMENDED ANSWER AND COUNTERCLAIM**

Pursuant to Fed. R. Civ. P. 6(b), the plaintiffs, Volkswagen AG, Volkswagen of America, Inc. and Bugatti International, S.A., request that the Court extend the time for filing a response to defendant's amended answer, counterclaim and jury demand. Plaintiffs propose to file a responsive pleading within twenty (20) days from the Court's allowance of defendant's motion to amend its answer and counterclaim, but in any event not later than September 8, 2005 (four days before the Scheduling Conference on September 12). Defendant, The Bugatti, Inc., through counsel, has assented to this extension.

In support of this motion, plaintiffs state the following:

1. On August 19, 2005, before the plaintiffs had filed a response to the defendant's original answer and counterclaim, the defendant filed with the Court a Motion for Leave to Amend its Answer, Counterclaim and Jury Demand, together with the Amended Answer, Counterclaim and Jury Demand. The Court allowed the motion to amend on August 22, the day before the plaintiffs' response to the original amended answer and counterclaim was to be filed.

Rule 12(a)(2) of the Federal Rules of Civil Procedure states, in pertinent part: "The plaintiff shall serve a reply to a counterclaim in the answer within 20 days after service of the answer . . . unless otherwise ordered by the Court." In accordance with this provision, the plaintiffs should be afforded twenty (20) days from August 22, the date the Court allowed defendant's motion to amend, to respond to the defendant's amended answer and counterclaim.

2. Given the upcoming Scheduling Conference on September 12, 2005, however, the plaintiffs agree to file their response to the amended answer and counterclaim no later than September 8. This is in order to give the Court an adequate opportunity to review the pleadings before the Scheduling Conference.

3. With the plaintiffs' consent, the defendant has already enjoyed two extensions of time, totaling 44 days, for filing its original answer and counterclaim, and will suffer no prejudice as a result of this extension.

4. By telephone on Monday, August 22, 2005, defendant's counsel assented to this motion.

WHEREFORE, plaintiffs Volkswagen AG, Volkswagen of America, Inc. and Bugatti International, S.A., respectfully request the Court to allow this Motion and extend the time for filing a response to the defendant's amended answer, counterclaim and jury demand.

Respectfully submitted,

VOLKSWAGEN AG, VOLKSWAGEN OF
AMERICA, INC. and BUGATTI
INTERNATIONAL, S.A.,

By their attorneys,

/s/ David A. Brown /s/

David A. Brown (BBO# 556161)
Margaret H. Paget (BBO# 567679)
Sherin and Lodgen LLP

101 Federal Street
Boston, Massachusetts 02110
Telephone: 617.646.2000

Dated: August 22, 2005

LOCAL RULE 7.1(A)(2) CERTIFICATE

Counsel for the plaintiffs hereby certify that they have conferred with counsel for the defendant, The Bugatti, Inc., and that defendant has assented to the requested extension of time.

/s/ Margaret H. Paget /s/
Margaret H. Paget